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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

REVISED INSTRUCTIONS FOR COMPLIANCE
WITH LAWS AND REGULATIONS RELATING
TO USE OF PENALTY MAILING PRIVILEGE

Reference is made to Memorandum 824 (Revised), signed by the Secretary, dated July 26, 1939, concerning the new provisions of law applying to the penalty mailing privilege and the interpretations thereof, enclosed herewith.

Subsequent to the issuance of the Secretary's original Memorandum No. 824, legislation has been enacted amending Section 6, Public No. 65, 76th Congress. The limitations upon the penalty mailing privilege have been modified as follows:

1. Enclosures to official letter correspondence which may be mailed free of postage must be " * * * reasonably related to the subject matter of the correspondence; * * *." (See paragraphs No. 2 and No. 3 of Secretary's Memorandum No. 824.)
2. In addition to "forms and blanks," " * * * copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments * * *" may now be mailed free of postage without specific request. (See paragraph No. 8 of Secretary's Memorandum No. 824.)
3. If a "document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject * * *." it may be transmitted through the mails free of postage as in the case of documents the transmission of which is required by law. (See paragraph No. 7, Secretary's Memorandum No. 824.)
4. The restriction on mailings to State, County, and Community Committeemen without express request has been removed. The language, " * * * or to Federal, State, or other public authorities," has been added to the last proviso of Section 6 by amendment. It is generally understood that committeemen qualify in one or more of these categories and therefore matter may be transmitted to them through the mails free of postage without express request. (See paragraphs No. 1 and No. 10 of Secretary's Memorandum No. 824.)
5. Persons in the state and county offices who are most directly concerned with handling informational materials should be instructed to read carefully the Secretary's memorandum.

Insofar as press releases and similar informational material is concerned, the keeping of required records of the number of pieces and

the weight of the various classes of mail may be done through the same administrative procedure as you will follow for other material.

Pertinent informational material may be mailed to farmers by county committees, if it falls within the classification of "official correspondence" or if it is material transmitted to inform the recipient of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject.

It is the responsibility of the state AAA office to certify that news releases or informational material mailed to newspapers, radio stations, and other institutions or persons has been sent pursuant to requests, oral or written, as specified in the Act and in the Secretary's regulations. Such material need not be segregated from other material in the reports required to be made.

6. A representative of the county committee can personally contact each newspaper in the county, or serving the county, and ask if the newspaper wishes to be advised of all developments in connection with the program.

A mailing list of those newspapers and radio stations requesting this material should be compiled by the county office and a copy of the list should be supplied to the state office with a statement that these newspapers have requested to be advised of news developments in connection with the program.

It will be necessary under the new regulations, to purge the mailing lists, whether county or state, at the end of each fiscal year. Forms and procedure for doing this will be worked out well in advance of the time when this must be done, and you will be advised.

7. It is important that an accurate record be kept of the number of pieces of mail sent out, also of the weight of the same. Blanks similar to the one attached to Memorandum No. 824 on which these totals can be summarized should be furnished each office. It has been suggested by the Post Office Department that the weight can be estimated from average samples on which the weight has been accurately determined and this method can be used in lieu of actual weighing of each shipment, if desired.

8. Any letter or package mailed under the government franking permit from local post offices must not exceed four pounds in weight. If the weight is over four pounds, it should be mailed at the fourth class (parcel-post rate). This applies to all mailings of official matter whether written or printed, sealed or unsealed. See Paragraph 2, Section 618 of the Postal Laws and Regulations. Letters or packages on which postage has been paid should not be included in the listing of the record of the number of pieces or the weight of same sent under the government frank.

I. W. Duggan
I. W. Duggan,
Director, Southern Division.

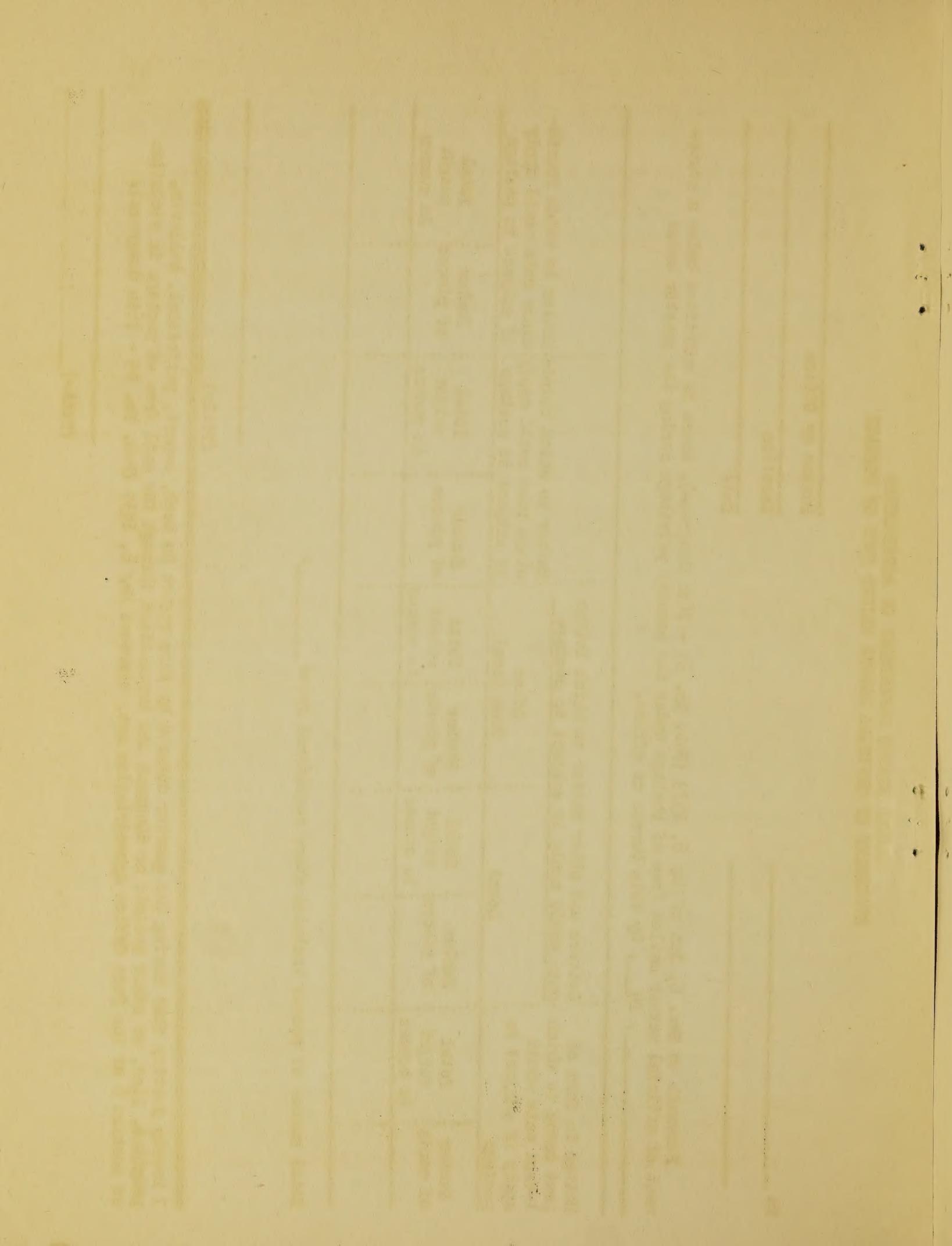
UNITED STATES DEPARTMENT OF AGRICULTURE
STATEMENT OF OFFICIAL MATTER MAILED FREE OF POSTAGE

Total number of pieces included above registered free:

(Title)

(Title)

I hereby certify that during the quarter covered by this report no book, report, periodical, bulletin, pamphlet, list, or other article or document was transmitted through the mail free of postage in violation of section 6 of the Post Office Appropriation Act, approved May 6, 1939 (Pub. No. 65 - 76th Congress).



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

OFFICE OF PLANT AND OPERATIONS

July 26, 1939.

MEMORANDUM NO. 824 REVISED
(Supersedes memorandum issued June 22, 1939)

REVISED INSTRUCTIONS FOR COMPLIANCE WITH NEW LAWS
ON PENALTY MAILING

The Deficiency Appropriation act approved by the President June 30, 1939, contains an amendment modifying the provisions of Section 6 of the Treasury-Post Office Appropriation Act restricting the use of the penalty mailing privilege by Government agencies.

The said Section 6 has been amended to read as follows:

"SEC. 6. On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within thirty days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: Provided, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal

Power Act: Provided further, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State or other public authorities."

All members of this Department are instructed faithfully to observe both the letter and the spirit of the foregoing requirement of law. It is recognized, however, from questions that have been raised by various agencies in the Department, that numerous points of interpretation are involved, and in order that uniform and orderly procedure may be followed, the following instructions are issued for the guidance of all concerned in this Department:

1. There is an obvious difference between employees of this Department and others to whom the matter specified in the Act might be mailed. It is not necessary to receive requests from Department employees in order to make permissible the mailing under penalty privilege to them of any book, report, periodical, bulletin, pamphlet, list, or other article or document necessary in the conduct of the public business.

2. Mailing under penalty privilege of official letter correspondence is permissible. Any official message signed by a Department officer and addressed to any individual or organization shall be regarded as official letter correspondence. The letters may be circular letters identical in content for mailing to a list of addressees.

3. Such enclosures as are reasonably related to the subject matter of the correspondence may be mailed under penalty privilege without receiving a request for the enclosures.

4. Any written request or recorded oral indication that a person or organization desires a specified publication or series of publications or information on a specified subject or subjects will be regarded by this Department as a request that, under the terms of the Act, will permit mailing under penalty privilege of the matter necessary to give adequate information on the specified subject or subjects.

5. A request to be placed on a mailing list for the purpose of receiving matter on specified subjects will be regarded as sufficient to cover all mailings under penalty privilege until such request is withdrawn either through failure to answer a Department inquiry or by letter or otherwise. The Department policy will continue to be to maintain no mailing lists of addressees to receive all or any substantial part of the Department's publications, except as required by law or provided in this Act.

6. To make certain that addressees on mailing lists wish their requests for material to remain effective, mailing lists will be considered as expiring each June 30, unless revised prior to June 30 during the fiscal year, and the names of addressees who do not repeat their requests will be dropped.

7. The Act permits the mailing under penalty privilege of any material required by law to be transmitted. Books, reports, periodicals, bulletins, pamphlets, lists or other articles or documents "required by law" to be transmitted are only those for which there is express statutory direction and not

those printed under general authority to disseminate or to make public information.

8. Forms and blanks necessary in the administration of the work of the Department are mailable under penalty privilege.

9. Lists of agricultural bulletins or lists of public documents offered for sale by the Superintendent of Documents may be mailed under penalty privilege. (The term "agricultural bulletins" does not apply only to the Farmers' Bulletin series.)

10. Department publications and other material designated in the Act may be mailed without express request to educational institutions, public libraries, or to Federal, State, or other public authorities.

11. All mailing under penalty privilege shall, of course, be done in accordance with postal regulations and laws governing mailing by the Superintendent of Documents.

12. Mailing under penalty privilege of printed or duplicated publications to addressees or lists of addressees who have not requested the material, is not permissible except as set forth herein.

13. In connection with the quarterly reports required by the Act, the Chief of each bureau or office will be required to submit to the Chief, Office of Plant and Operations within 15 days after the close of the quarter, a statement of the weight of mail matter by classes of mail that the bureau (including field offices) has transmitted free of postage during such quarter, and shall certify that nothing was transmitted through the mail free of postage in violation of the Act. A standard form for use by the bureaus and offices in submitting the reports is being developed and will be available for issuance by the Central Supply Section in the near future. In the meantime, the attached copy of a proposed form will indicate the extent of records which should be maintained.

14. Statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of Department programs may be mailed under penalty privilege without request.

15. Material to inform the recipient of the adoption, amendment or interpretation of a statute, rule, regulation or order to which he is subject may be mailed under penalty privilege without request.

J. A. Wallace
Secretary.

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